

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL No.
11-10260-NMG

UNITED STATES OF AMERICA
v.

AARON SWARTZ

INTERIM STATUS REPORT

May 23, 2012

DEIN, M.J.

An Interim Status Conference, originally scheduled for May 17, 2012, was held before this court on May 22, 2012 pursuant to the provisions of Local Rule 116.5(b).

Based on that conference, this court enters the following report and orders, to wit:

1. The government has produced its automatic discovery as well as additional materials, and defendant is in the process of reviewing the materials produced by the government to date.
2. Any additional discovery will be produced in accordance with the applicable rules of procedure.
3. The parties have been working together to resolve their discovery disputes.
4. A protective order has been entered by the Court in this case.
5. The defendant shall file any discovery motions by **June 1, 2012**. The government shall respond by **June 22, 2012**.
6. By agreement of the parties, the government will make its initial expert disclosures 11 weeks before trial. The defense will make its expert disclosures 8 weeks before trial. The government may then make an additional expert disclosure 5 weeks before trial if additional expert(s) are needed to address matters raised in the defense disclosures.
7. The defenses of insanity, public authority and alibi have not been raised in this case.

8. This court finds and concludes, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A) and Section 5(b)(7)(B) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, Effective December 2008) that the defendant requires additional time for the preparation of an effective defense, including time for review of the evidence, preparation of motions, and consideration of alternatives concerning how best to proceed with this matter, and that the interests of justice outweighs the best interests of the public and the defendant for a trial within seventy days of the return of an indictment.

Accordingly, it is hereby ordered that the Clerk of this Court enter excludable time for the period of May 17, 2012 through July 26, 2012, that being the period between the expiration of the last order on excludable time and the next status conference.

Based upon the prior orders of the court dated July 19, 2011, September 9, 2011, November 8, 2011, December 14, 2011, January 18, 2012, March 16, 2012 and the order entered contemporaneously herewith, at the time of the Final Status Conference on July 26, 2012 there will be zero (0) days of non-excludable time under the Speedy Trial Act and seventy (70) days will remain under the Speedy Trial Act in which this case must be tried.

9. The parties believe that a trial is likely and that the trial will last approximately 3 weeks.
10. **A Final Status Conference and hearing on any discovery motions has been scheduled for July 26, 2012 at 2:30 p.m. Counsel for the respective parties shall file a Joint Memorandum addressing the matters set forth in LR 116.5 before the close of business no less than THREE business days prior to that Status Conference.**

/ s / Judith Gail Dein
JUDITH GAIL DEIN
UNITED STATES MAGISTRATE JUDGE